



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/993,340	11/16/2001	Paul England	MS1-955US	5780

22801 7590 08/25/2005
LEE & HAYES PLLC
421 W RIVERSIDE AVENUE SUITE 500
SPOKANE, WA 99201

EXAMINER

LEMMA, SAMSON B

ART UNIT	PAPER NUMBER
----------	--------------

2132

DATE MAILED: 08/25/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 09/993,340	Applicant(s) ENGLAND ET AL.	
	Examiner Samson B. Lemma	Art Unit 2132	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
 - If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
 - If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
 - Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 16 November 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-11, 20-29, 4-42, 49-67 and 76-79 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-11, 20-29, 41, 42, 49-67 and 76-79 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>4, 6 & 8</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. **Claims 12-19, 30-40, 43-48, 68-75** have been cancelled by the applicant and **Claims 1-11, 20-29, 41-42, 49-67, 76-79** have been examined .

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. **Claims 1-11, 20-29, 41-42, 49-67, 76** are rejected under 35 U.S.C. 102(e) as being anticipated by **England et al.** (hereinafter referred to as **England**) (U.S. Patent No. 6,330,670).

4. **As per claim 1, 6-9, 20-26, 41-42, 49, 52, 54-55, 59, 61, 63 and 76-79, England** discloses a method comprising:

Receiving a request [figure 2, ref. "2"] to transfer application data from a source computing device [figure 2, "220"] to a destination computing device;[figure 2, ref. "200"] (Column 9, lines 43-44) (the application 209 request the download of the content from the provider 220 as explained on column 9, lines 43-44)

Art Unit: 2132

Checking whether the application data can be transferred to the destination computing device,[Column 9, lines 45-48; column 8, lines 56-65] (the content provider checks whether the application data/content can be transferred to the destination computing device/subscriber computer shown on figure 2, ref. 200 by sending a challenge message as explained on column 9, lines 45-48 and to prevent their content from being stolen or misused, content provider will download content only to known software and only subscriber computers that can prove that their operating system trusted will receive the content as explained on column 8, lines 56-65 and column 9, lines 45-48] and if so, **then checking whether the application data can be transferred under control of the user or a third party [column 9, lines 65-column 10, line 3]** (All trusted operating system-level component are digitally signed by their developers (user) or a trusted third-party, with the signature acting as a guarantee that the components respect digital rights and assigned a unique trusted identity shown on figure 2, 206, and explained on column 8, lines 8-column 9, line 3. Then the unique trusted identity is checked/examined at the content provider as explained on column 9, lines 64-column 10, lines 3 (meets the recitation of the limitation); and **receiving input from the appropriate one of the user or third party (column 8, lines 66-column 9, lines 3; column 19, lines 5-9) to control transferring of the application data to the destination computing device (column 10, lines 20-24).** (The transferring of access predicate figure 2, 222 specify specific applications or families of application allowed to process the content 221 and the license shown on figure 2, ref. 223 places restrictions on the use of the content 221 by the approved application meets the recitation of the limitation.)

5. **As per claims 2,27,53 and 64, England** discloses a method as applied to claim above. Furthermore **England** discloses the method further comprising further comprising: checking whether the destination computing device is trusted to receive the application data; and preventing the application data from being transferred if the destination computing device is

Art Unit: 2132

not trusted to receive the application data. [column 8, lines 56-65; column 9, lines 51-column 10, lines 3]

6. **As per claim 3, England** discloses a method as applied to claim above. Furthermore **England** discloses the method wherein, checking whether the destination computing device is trusted to receive the application data comprises checking whether software executing on the destination computing device is trusted to receive the application data. [column 9, lines 11-29]

7. **As per claims 4-5, England** discloses a method as applied to claim above. Furthermore **England** discloses the method, wherein checking whether the destination computing device is trusted to receive the application data comprises the third party checking whether the destination computing device is trusted to receive the application data. (**column 8, lines 66-column 9, lines 3; column 10, lines 20-24**). (The transferring of access predicate figure 2, 222 specify specific applications or families of application allowed to process the content 221 and the license shown on figure 2, ref. 223 places restrictions on the use of the content 221 by the approved application meets the recitation of the limitation.)

8. **As per claim 10, England** discloses a method as applied to claim above. Furthermore **England** discloses the method, further comprising: receiving application data to be encrypted and stored on the source computing device; identifying how the application data is to be allowed to be transferred to the destination computing device if a request to transfer the application data is received; and selecting a particular one of a plurality of encryption keys to encrypt the application data, wherein the selecting is based at least in part on how the application data is to be allowed to be transferred to another computing device. [Column 10, lines 26-40]

9. **As per claims 11, 28-29, 56 and 65, England** discloses a method as applied to claim above. Furthermore **England** discloses the method, further comprising: further comprising:

Art Unit: 2132

allowing application data for a plurality of applications to be transferred to the destination computing device by moving a single key to the destination computing device. [column 10, lines 26-35]

10. **As per claims 50-51 and 77, England** discloses a method as applied to claim above. Furthermore **England** discloses the method, wherein the type of application secret is all secrets and the key associated with the one type is a gatekeeper storage key.[column 17, lines 56-57;column 9, lines 30-33]

11. **As per claims 57, 66 and 78, England** discloses a method as applied to claim above. Furthermore **England** discloses the method, wherein the data comprises an operating secret.[column 16, lines 67]

12. **As per claims 58, 67 and 79, England** discloses a method as applied to claim above. Furthermore **England** discloses the method, wherein the data comprises trusted core secret.[column 16, lines 67]

13. **As per claims 60 and 62, England** discloses a method as applied to claim above. Furthermore **England** discloses the method, wherein the plurality of instructions to: encrypt an encryption key previously used to encrypt the data; and allow the encrypted key to be copied to the destination computing device.[column 10, lines 30-41]

Conclusion

14. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. (See PTO-Form 892).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Samson B Lemma whose telephone number is 571-272-3806. The examiner can normally be reached on Monday-Friday (8:00 am---4: 30 pm).

Art Unit: 2132

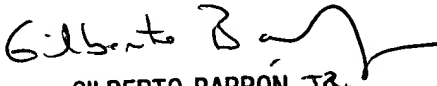
If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, BARRON JR GILBERTO can be reached on 571-272-3799. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

SAMSON LEMMA

S.L.

07/29/2005


GILBERTO BARRON JR.
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2100